

REMARKS

In the Office Action mailed March 9, 2006, the Examiner: rejected claims 1-4, 7, 9-13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Vahalia et al.* (U.S. Patent No. 6,192,408) in view of *Srivastava* (U.S. Patent No. 6,684,331), and in view of *Helms* (U.S. Publication No. 20020078183); rejected claims 5, 6, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Vahalia et al.*, *Srivastava*, *Helms*, and *Bhaskaran et al.* (U.S. Patent No. 6,601,084); and rejected claims 1-7, 9-13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Wang et al.* (U.S. Patent No. 6,826,613) in view of *Helms*, and in view of *Harada et al.* (U.S. Patent No. 5,894,555).

Applicants wish to thank the Examiner for the courtesy extended to Applicants' representative during the interview held on August 8, 2006. As noted in the Interview Summary, agreement was reached that the amendments made by this Reply overcome the outstanding rejections and that those rejections will be withdrawn.

Applicants thus respectfully traverse the rejection of claims 1-4, 7, 9-13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Vahalia et al.*, *Srivastava*, and *Helms*, as well as the rejection of claims 1-7, 9-13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Wang et al.*, *Helms*, and *Harada et al.* As agreed during the interview, no combination of these references disclose or suggest all of the elements of independent claims 1 and 9. For example, among other elements, *Vahalia et al.*, *Srivastava*, and *Helms*, taken alone or in combination, fail to disclose or suggest a plurality of file server devices responding to all requests received by the virtual address connection and where each server device's ability to access the common storage

device is the same, as recited in claims 1 and 9. The same applies to the any possible combination of *Wang et al.*, *Helms*, and *Harada et al.*

Indeed, as discussed at the interview, both *Vahalia et al.* and *Wang et al.* relate to “cluster” server devices, where each server device may be assigned to or responsible for a separate cluster of secondary devices, such as respective memory arrays. See, e.g., Abstract and col. 13, lines 29-51 of *Vahalia et al.*; col. 6, lines 50-51 of *Wang*. Moreover, none of the other cited references (*Srivastava*, *Helms*, or *Harada et al.*) cure these defects of *Vahalia et al.* and *Wang*. Therefore, the above rejections of claims 1 and 9 under § 103(a) are improper and, as agreed during the interview, should be withdrawn.

Moreover, Applicants wish to emphasize that a combination of references, such as one beyond the multitude of references already relied upon in the outstanding Office Action, will not create a *prima facie* case of obviousness without the requisite motivation to combine. Determinations of obviousness must be supported by evidence in the record. See *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). And the desire to combine references must be proved with “substantial evidence” that is a result of a “thorough and searching” factual inquiry. *In re Lee*, 277 F.3d 1338, 1343-1344 (Fed. Cir. 2002). The M.P.E.P., for instance, makes clear that: “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” M.P.E.P. § 2143.01 (citations omitted).

Here, nothing in any of the cited references, such as *Srivastava*, *Helms*, or *Harada et al.*, “suggests the desirability” of modifying *Vahalia et al.* and/or *Wang et al.* to

include a plurality of file server devices responding to all requests received by the virtual address connection and where each server device's ability to access the common storage device is the same, as recited in claims 1 and 9. In fact, to do so, would be entirely contrary to the advantages of the "cluster" environment taught by *Vahalia et al.* and *Wang et al.* See, e.g., col. 1, lines 27-31 of *Wang*. Applicants, therefore, respectfully submit that claims 1 and 9 should be allowed.

Claims 2-4, 7, and 10-12 depend from one of independent claims 1 and 9. Accordingly, the cited art also does not support the rejection of claims 2-4 and 7 for at least the same reasons set forth above in connection with claim 1. Therefore, Applicants request that the rejection of claims 2-4 and 7 be withdrawn, and the claims allowed.

Applicants also respectfully traverse the rejection of claims 5, 6, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Vahalia et al.*, *Srivastava*, *Helms*, and *Bhaskaran et al.* Because claims 5, 6, 13, and 14 depend from either claim 1 or 9, and because *Bhaskaran et al.* does not teach or suggest the features missing from *Vahalia et al.*, *Srivastava*, *Helms*, *Wang et al.*, and *Harada et al.*, claims 5, 6, 13, and 14 are also allowable. Therefore, as also agreed at the interview, the rejection of claims 5, 6, 13, and 14 should be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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